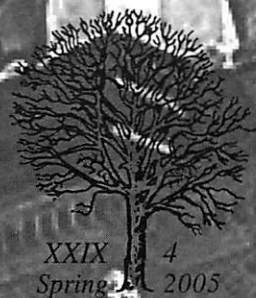
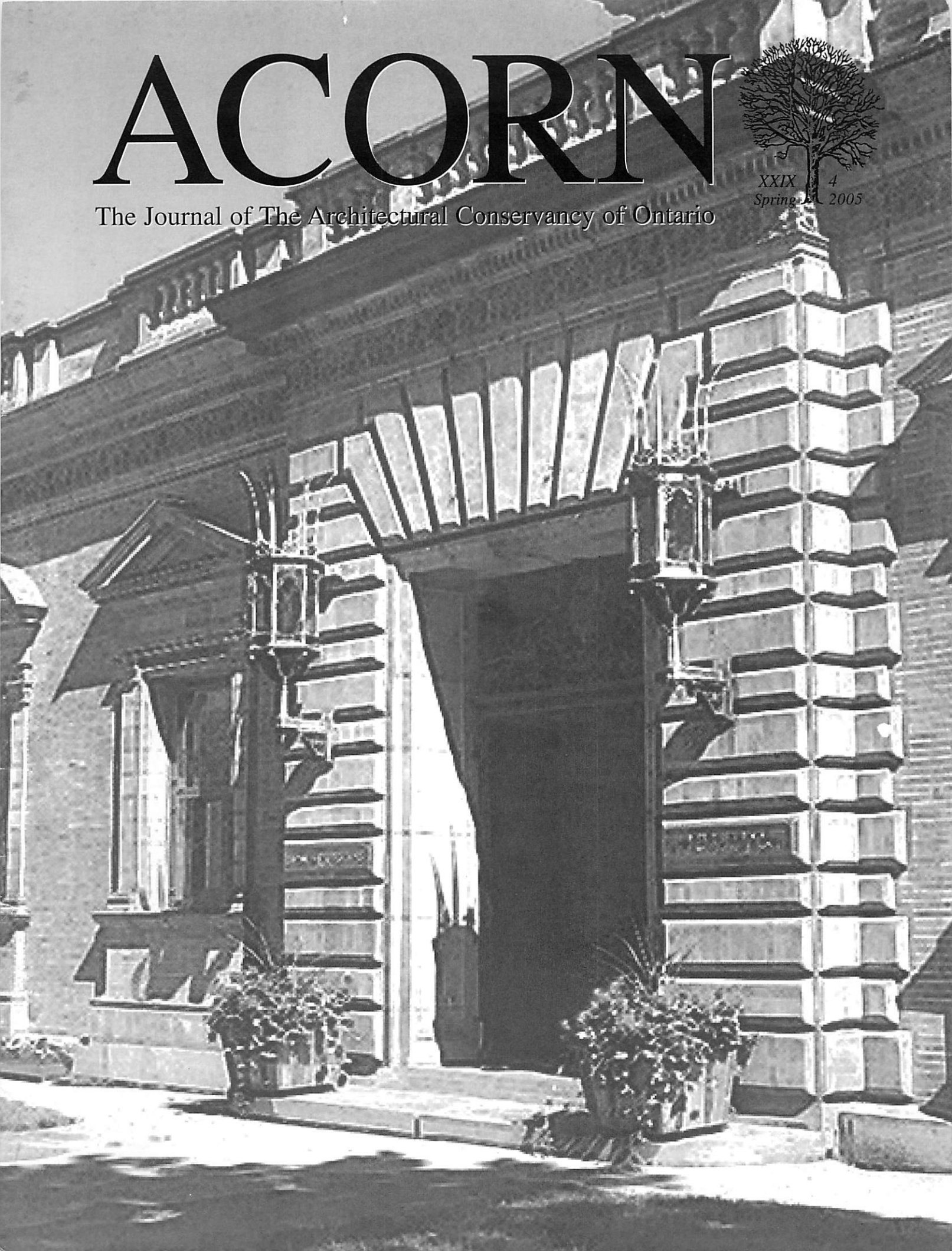


ACORN

The Journal of The Architectural Conservancy of Ontario



XXIX 4
Spring 2005





ACORN

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Photo: City of Windsor

Editor

Dan Schneider
(416) 515-0814

Assistant Editor

Sharon Vattay

Branch Contributors

Quinte Region
David Bentley

Cobourg
Greg Hancock

Port Hope
Blake Holton

South Bruce Grey
Henry Simpson

Hamilton Region
Henry Simpson

Heritage Meaford
Deborah Thompson

North Waterloo
Marg Rowell

London Region
Don Menard

Windsor Region
Pat Malicki

Designed by

Richard's Printing Ltd.
(richardsprinting@bellnet.ca)

The opinions expressed by our
writers and contributors do not
necessarily reflect those of the
Architectural Conservancy
of Ontario.

The Architectural Conservancy of Ontario

Suite 204, 10 Adelaide St. East
Toronto, Ontario M5C 1J3
Telephone (416) 367-8075
Toll free 1 (877) 264-8937
Fax (416) 367-8630
e-mail: aco@on.aibn.com
www.hips.com/ACO

President
Scott Valens

Vice-Presidents
Catherine Nasmith
Sharon Vattay

Treasurer
Clara So

Secretary
Margaret Hill

Past President
Chris Borgal

Members-at-Large
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Julie Ready

Preservation Works!
Gill Haley, Acting Chair
Allan Seymour, Consultant

Manager
Rollo Myers

Incorporated in 1933
to preserve buildings and
structures of architectural
merit and places of natural
beauty or interest

From the Editor

Dan Schneider



February 2005 marks the 30th anniversary of the passage of the original Ontario Heritage Act, which came into force on February 6, 1975. This issue of ACORN commemorates the anniversary of the OHA with two articles, including a new version of Mark Osbaldeston's 1995 article "The Origins of Heritage Preservation Law in Ontario."

As we went to press, Bill 60, An Act to Amend the Ontario Heritage Act, was still awaiting Third Reading in the Ontario Legislature. While the government was seen by some as taking its time with the legislation (the bill was introduced last April), its passage is not in doubt. The bill represents a remarkable triumph for Culture Minister Madeleine Meilleur, who will succeed where many previous ministers of culture—of all political stripes—have failed.

As thirty years is usually considered the time separating one generation from the next, so Bill 60 will usher in a new generation of heritage legislation in this province. Its effects, like those of the 1975 statute, will be far-reaching.

While Bill 60 is best known for its centerpiece, the strengthening of demolition controls—at last removing from the private to the public realm the final decision on whether a designated structure stands or falls, the bill includes many other important changes. Among these is a new mechanism for the protection of some of our most important shipwrecks. Here too the timing is opportune: 2005 marks the 30th anniversary of the sinking of the Edmund Fitzgerald, doomed to founder in the "gales of November" of 1975.

In other very significant and timely news...on Heritage Day the province announced revisions to the Provincial Policy Statement, which encompasses strengthened cultural heritage conservation policies (find out more at: http://www.mah.gov.on.ca/user-files/HTML/nts_1_23291_1.html).

Let's continue to celebrate together our progress toward a "culture of conservation" at the joint Architectural Conservancy of

Ontario/Community Heritage Ontario conference in Windsor at the end of April. Please check out the great conference program in the centrefold of this issue. Hope to see you there!

President's Message

Scott Valens



2005 Conference:

It is with great anticipation that we announce in this issue of ACORN the Second Joint Conference and Annual General Meetings for the CHO and the ACO this April in

Windsor. The Windsor Branch has been working closely with the local CHO group to organize what is shaping up to be another outstanding conference titled "Saving Our Institutional Buildings." Please look for more detailed information in this issue and mark your calendars now for April 29, 30 and May 1, 2005.

Great architectural work....recognizing it and protecting it:

Throughout the recent history of the ACO, it is not hard to see a pattern of reactive conservation. The two terms seem contrary to each other somehow; however, the reality is that there are many great works of architecture that are quietly admired publicly, and only when these are threatened does the ACO get involved in trying to save them. Granted, some respectful owners seek designation, but on the whole most threatened structures get into trouble through neglect and lack of respect or acknowledgement by the public for an interesting design. If memory of importance was kept alive, perhaps many buildings might be better cared for, and not threatened.

I received a book for Christmas titled *Breaking Ground* by Daniel Libeskind, architect of many cutting edge projects worldwide, including the Jewish Museum in Berlin, the master plan for the World Trade Centre in New York, and the crystal expansion to the Royal Ontario Museum here in Toronto. The book is a passionate account of his life's work and love of architecture.

While I have yet to finish the book, the story is remarkable for the undeterred optimism Libeskind expresses in completing a vision

of architecture that is fully realized, regardless of the political battles he seemingly encounters every waking moment of his life. What struck me as important and relevant to conservationists was that here is someone so talented and passionate about his ROM creation that he is able to see it through the myriad of political wranglings and ensure that the strength of the architecture prevails.

Throughout history, it is architectural projects like these that have created the most honoured public built environments ever known. Think of the Eiffel Tower, which, shortly after it was built for the International Exhibition of 1889, was threatened with demolition by Parisians voicing their hatred of the garish unfinished steel truss. That structure is now the very symbol of Paris, and proudly protected by its citizens and conservation groups. One cannot help but wonder what projects here, and internationally, are currently being rejected by groups (some like ourselves?) afraid of unfamiliar forms. The danger in such opposition is this: it can lead to watered-down architecture. Diluted public architecture likely would never attract the impassioned public outcries for conserving it in perpetuity.

I know that this view is controversial, but keep in mind that our founder, Eric Arthur, fought to see the new Toronto City Hall commission go to an international competition through which Viljo Revell's design won over the far safer and conservative schemes that fit very quietly in the context of the downtown core. And because of that fight, Toronto now has one of the most prized city halls in the world. Projects like this, while affecting heritage buildings or contexts, allow architecture—strong progressive architecture—to flourish for the good of the public. While I would never advocate architects ignoring context to create utopian masterpieces, every once in a while a great public and civic project arrives that can do so much for the public appreciation and understanding of architecture for the art that it is. I believe, along with many others, that the new ROM is one of those projects.

History is fluid, constantly changing, and always reinventing itself. Wouldn't it be fun to preserve one of

these great international creations in our own cities? Wouldn't it be great to start recognizing and celebrating important architecture when it's fresh? In doing so, the ACO might not only shake its somewhat dowdy image, it may help keep the progressive nature of architecture alive in the public eye. And in time these buildings might be better cared for, and not threatened.

Manager's Report

Rollo Myers



The ACO believes firmly that the passage of Bill 60 will herald the beginning of a bright new future for heritage preservation in this province. The ACO has long supported the proposed changes, and soon we will all be able to count on a law with teeth. One lesson learned during the struggle for revisions is the need for the heritage community to be united, informed, connected. And heard from. With its eleven branch offices throughout Ontario, the ACO has a leadership role to fulfill.

We want to be ready to bring heritage preservation in Ontario into this exciting new age. One of the ACO's major challenges has been outmoded communications processes. Over the next five years we hope to be able to develop systems that will strengthen the way heritage activists across the province work together. We are starting with basic business communications systems for membership renewal and accounting so that we can free up valuable volunteer time for our main activity—helping to preserve buildings and structures of architectural merit.

Work continues on the "How the ACO works" annual timeline, with key deadlines and information requirements for insurance renewals, branch financials, operating grant and registered charity submissions, tax receipts, membership renewals etc. The idea is to help identify when the information is needed from branches and why, so that administrative tasks are minimized.

The move of the ACORN production to the Port Hope Branch has resulted in lower costs through eliminating the layout fee and reducing per-copy printing costs by 25%. In addition, the labeling charges have been substantially reduced.

Work on ACO's Trillium grant for Robert Shipley's research project into building renovation costs is moving ahead well. His assigned students have been in contact with ACO branch officials to solicit their input.

CAPHC's Susan Chilibeck advises that a group of insurance agents has formed a company (insurancehotline.com) with coverage for heritage buildings as a specialty. This is a welcome departure from what seems to be a growing trend by the industry to avoid insuring heritage buildings.

The PreservationWorks! Trillium grant application for a part-time manager for this growing program is nearing completion, with the assistance and advice of executive member architects Gill Haley and Allan Seymour.

A more informative PreservationWorks! brochure, to be based on feedback, successes and current achievements, has received executive committee approval. It is hoped the 2005 summer student will be able to assist in organizing the wealth of previous reports, summarizing them with the intent of having them readily available to provide examples to support those attempting to rescue or reuse heritage buildings.

PreservationWorks! requests have been received for the Joshua Miller House in Markham, George Street United Church in Peterborough, a converted Regency cottage in Hamilton, Chestnut Hall in Thorold, and the Carnegie Library in Grimsby.

Letters have been written, visits made and interviews given by the ACO President and Vice-President and others on contentious issues, such as the John Lyle Studio and the Blythwood Heritage Conservation District in Toronto, the Salmoni Building in Amherstburg, the Cockshutt Plow Building in Brantford, the Commercial Building in Smithville, and the proposed condominium development in Port Dalhousie.

ACO/CHO Joint Conference 2005

April 29, 30 and May 1, 2005, Windsor, Ontario

Nancy Morand

The members of the Windsor Heritage Committee and the ACO/CHO Conference Committee invite you to attend the second annual Architectural Conservancy of Ontario and Community Heritage Ontario Joint Conference being held this year in Windsor from Friday, April 29 until Sunday, May 1, 2005. The theme of this year's conference is "Saving Our Institutional Buildings."

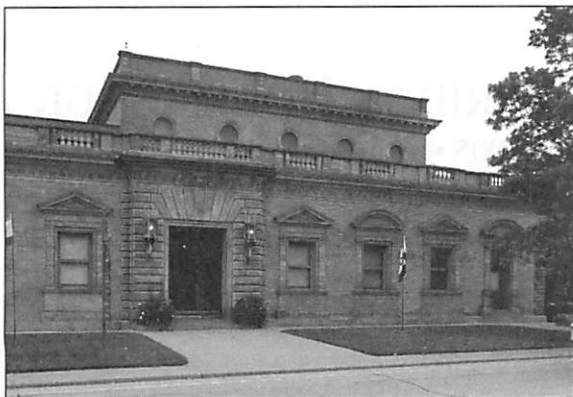
Some of the first buildings erected as urban society developed in this country were institutional buildings – churches and schools. Our magnificent heritage churches and schools reflect the value placed on religion and education in society. In Windsor and Essex County, like most areas in Canada, many early institutional buildings have either been lost or are under threat. This conference will explore ways to save our threatened institutional architecture. We will consider how the Quebec Religious Heritage Foundation was able to leverage and distribute \$135 million to restore heritage churches in that province over the past ten years. Mr. Robert Koffend, the president of that organization, will be a featured speaker. The conference will explore examples of heritage schools and churches that have been successfully adapted for new uses and technologies. Finally, it will ask what can be done here in Ontario to foster the preservation of our threatened institutional built heritage.

Prior to the conference staff of the Ministry of Culture and the Ontario Heritage Foundation are combining expertise to offer a workshop on matters important to municipal heritage committees and heritage activists alike: How will the revamped Ontario Heritage Act affect heritage conservation districts, applications for demolition of designated properties, and heritage easements. Plan on attending this important workshop from 1:00-4:00 pm on Friday, April 29.

Our keynote speaker will be a representative of the Ministry of Culture who will be speaking about the Ontario Heritage Act. Richard Moorhouse, the Executive Director of the Ontario Heritage Foundation, will also be speaking on "The Car, the Committee, and the Open Door: Conservation Stories of Ontario."

One of the concepts for this year's ACO/CHO conference was to get the delegates out of their seats and into the community to experience first-hand the issues being discussed. To that end the conference is offering three Saturday afternoon bus tours for delegates to choose from at no extra charge:

- A City of Windsor Heritage Planning Tour that will take you to all of Windsor's original "Border Cities" – with stops at several important heritage buildings.



Hiram Walker & Sons Ltd. Head Office



Mackenzie Hall

- A tour of Essex County highlighting the threatened French churches at St. Joachim and Stoney Point that were the subject of a recent court ruling.
- A tour of downtown Detroit highlighting some of the most important and impressive architecture in the region.

The venues for the conference will be some of Windsor's most treasured

heritage buildings. The opening activities on Friday evening will be at the Canadian Club Brand Heritage Centre & Reception Centre in the former Town of Walkerville and will include guided tours of the Hiram Walker & Sons Ltd. Head Office – the magnificent flagship of the Walker enterprise built in 1894.

The main conference sessions will be at Mackenzie Hall, in the former Town of Sandwich – the oldest continuous European settlement in Ontario. Stately Mackenzie Hall is the former Essex County Courthouse, built in 1855 by Mackenzie Builders of Sarnia. Canada's second Prime Minister, Alexander Mackenzie, was head of the building firm. The building was saved from demolition in the 1980s and is now a community centre for the City of Windsor.

Sunday's meetings will be held at magnificent Willstead Manor in the former Town of Walkerville. This imposing residence, with gatehouse and coach house on 15 acres, was designed by renowned Detroit architect Albert Kahn and built in 1904-1906 for Edward Chandler Walker, Hiram Walker's second son. Before restoration in 1978-1981, Willstead Manor served as Town Council chambers, a public library and the Art Gallery of Windsor. It is now owned by the City of Windsor and hosts special events.

The conference will wrap up with a walking tour of the former Town of Walkerville. An optional bus tour of Windsor is also offered after the conference.

For more information and registration forms see the centerfold of this issue of ACORN or go to: www.windsorconference.info.

The conference is being generously supported by the City of Windsor and the Windsor Heritage Committee.

Nancy Morand is the Heritage Planner for the City of Windsor.



Willstead Manor

2005 Benjamin Moore Community Restoration Program

Working with Community Foundations of Canada, Benjamin Moore & Co., Limited is offering grants of up to \$5,000 to support heritage and restoration projects in Ontario. Benjamin Moore specializes in providing historic colour identification and projects involving historic colour use will be given priority.

Successful projects will receive donated Benjamin Moore paint (up to a retail value of \$750), colour expertise, and a cash grant of up to \$5,000. A total of \$25,000 in cash grants is available in Benjamin Moore's Central Region, focused in the communities of Toronto, Cambridge, Oakville, Kingston, Oshawa, and Woodstock.

Local groups in the six communities mentioned above that are undertaking projects meeting the following criteria are invited to apply to the 2005 Benjamin Moore Community Restoration Program.

Project Criteria:

- Local heritage or restoration project that involves the use of paint.
- The applicant organization is a registered Canadian charity.
- Willingness to involve a local Benjamin Moore retailer for product expertise and other support.
- Volunteers from the local community engaged in the project.
- Willingness to have a Benjamin Moore representative develop public relations activities to publicize the program and Benjamin Moore's participation.

Application Process:

See the guidelines on the Community Foundations of Canada website, www.community-fdn.ca.

Submit applications by April 1, 2005 to:

Benjamin Moore Community
Restoration Program
Community Foundations of Canada
75 Albert Street, Suite 301,
Ottawa ON K1P 5E7
Fax: (613) 236-1621

For more information, contact:

Nancy F. Johnson
Phone: 519-827-1395
Fax: 519-827-1396
Email: nfjohnson@gto.net

OHA Turns 30!

Heather Thomson

February 2005 marks the 30th anniversary of the Ontario Heritage Act.

Heritage conservation in Ontario has come a long way since 1975. We've moved from a time when heritage was largely taken for granted, to the creation of an institutionalized framework for conservation at the provincial and municipal levels. The heritage community itself has evolved from a relatively small number of activists fighting against the seemingly constant swing of the wrecker's ball, to a wide network of heritage volunteers and professionals working in both the public and private sectors. Heritage is no longer just about individual buildings; it is about cultural heritage landscapes that enhance the sense of place of our communities. There has also been a change in the public's perception of heritage—cultural tourism is on the rise and the private sector has begun to embrace the adaptive reuse of heritage properties.

A few statistics illustrate some of the heritage community's achievements over the past thirty years:

- Municipalities have designated over 5,000 individual properties under Part IV of the Ontario Heritage Act and over 70 Heritage Conservation Districts for a total of close to 17,000 protected properties;
- There are 130 active Municipal Heritage Committees working to identify and protect the heritage of their communities;
- Over 40 municipalities have heritage planners or other heritage professionals with jobs dedicated to heritage planning;
- Over 50 municipalities have grant, loan or tax relief programs to encourage investment in heritage properties;
- Doors Open events are being held in 44 regions of the province for 2005.

This is not to mention all of the other work Municipal Heritage Committees and other heritage organizations do every year—celebrations for Heritage Week, plaques and educational programmes, walking tours, publications, inventories and planning policies...

And it is not to say there isn't more work to be done. Every day, decisions are made that affect cultural heritage resources—and in some cases, they are the wrong decisions.

On this 30th anniversary of Ontario's heritage legislation, however, exciting changes are afoot. Bill 60, An Act to Amend the Ontario Heritage Act, which would give municipalities new powers to prevent the demolition of heritage properties, new powers for the province to designate property, and other important improvements to the existing Act—has been ordered for third reading and may soon become law. Changes have been proposed to the Planning Act that would provide stronger language and tools to protect cultural heritage. And, the federal and provincial governments are implementing the Historic Places Initiative—a partnership that will help to create the "culture of conservation" we have been striving for in Canada. On this landmark anniversary for heritage conservation, there is much to celebrate!

Heather Thomson is the Municipal Heritage Committee Advisor with the Ministry of Culture.

HERITAGE CAMBRIDGE HOUSE TOUR

SATURDAY, MAY 7, 2005 • 9:00 A.M. TO 4:00 P.M.



*Visit six locations throughout
Cambridge & North Dumfries*

*Tickets: \$20.00 per person -
includes light refreshments and an
opportunity to win a draw prize*

**For ticket information
call 519-621-8588**

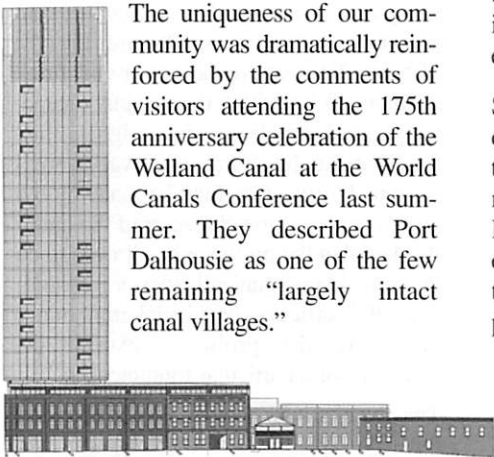
Port Dalhousie s Heritage In Danger

Deborah Kehler

Following the construction of the first canal in 1829 and during the era of the second and third Welland Canals, the Village of Port Dalhousie became an animated and thriving maritime community. With significant local resistance, Port Dalhousie was amalgamated with the City of St. Catharines in 1961. The Official Plan of the City of St. Catharines and the Port Dalhousie Secondary Plan both demonstrate recognition of the unique historic character of Port Dalhousie.

PROUD (Port Realizing Our Unique Distinction) formed in 1999 in response to increasing awareness of the potential for destruction of nineteenth and early twentieth century historically significant structures. The group of volunteer residents sought to protect the fragile heritage of this former canal village. Following extensive canvassing of the community, meetings with city planning, and presentations to St. Catharines City Council, PROUD was successful in having Port Dalhousie designated as a Heritage Conservation District in 2002. Objections to the OMB by a couple of residents slowed the process slightly, but council successfully defended the designating by-law in September 2003 (OMB decision in December 2003).

The uniqueness of our community was dramatically reinforced by the comments of visitors attending the 175th anniversary celebration of the Welland Canal at the World Canals Conference last summer. They described Port Dalhousie as one of the few remaining "largely intact canal villages."



PDVC Proposal Lock Street Elevation



Present Streetscape Lock St., Port Dalhousie

Just months after heritage designation, developers comprising the Port Dalhousie Vitalization Corporation (PDVC) submitted an application to amend the City of St. Catharines Official Plan and Zoning By-law that, if successful, will effectively destroy the commercial section of the Heritage Conservation District. The PDVC's application includes retaining the western façade (only) of one of the circa 1896 hotels, and removing most of the other buildings owned by the PDVC, to be replaced with what appears to be architecturally unsympathetic construction. The proposed uniform wall of brick will be four storeys high in contrast to the existing architecturally diverse three-storey streetscape.

The application includes the relocation of a stone construction jail built in 1846, thought to be the smallest in the province, from its original site, and, perhaps most disturbing, inserting a 100 metre glass condominium tower in the heart of the small commercial area. PDVC also proposes a 73-suite hotel, a 350 to 450 seat underground theatre, and adding 60,000 square feet of retail, office, and restaurant space with only a minimal increase in available parking. Little of what characterised Port Dalhousie during the height of its vitality in the nineteenth century and early twentieth century will remain.

St. Catharines City Council will have to decide whether to follow the clear intentions of the governing provincial and municipal legislation and their own Heritage Guidelines, or be swayed by empty promises of increased revenue from this disrespectful development. Any support ACORN readers can lend to our struggle by writing or emailing our Mayor and Council is very much appreciated. Every letter counts and will help us preserve Port Dalhousie's unique character. For more information, please visit our web site at www.saveport.ca.

Deborah Kehler is a member of PROUD.

The Origins of Heritage Preservation Law in Ontario

Mark Osbaldeston

Editor's Note: The original version of this article appeared in The Law Society Gazette in 1995, the 20th anniversary of the Ontario Heritage Act. At the request of ACORN, the author has revised the article to mark the 30th anniversary of the Act.

I. Introduction

This year, 1995, marks the twentieth anniversary of the passage of Ontario's first comprehensive heritage protection legislation, the Ontario Heritage Act. In the period before the Act's passage—beginning in the early 1960s—the City of Kingston, Ontario twice sought to secure for itself the power to prevent the demolition of its historic buildings, a power that American and British municipalities already enjoyed. The legislation that eventually resulted from the City of Kingston's efforts was copied in other Ontario municipalities, ultimately serving as the model for the province-wide heritage legislation that currently exists.

II. British and American precedents

It is no surprise that Kingston would prove to be the birthplace of modern heritage preservation legislation in Ontario. A city with a rich loyalist history, it is perhaps best known as the home of Sir John A. Macdonald, and as the capital of the United Province of Canada from 1839-41. Kingstonians have traditionally shown a keen awareness of, and interest in, their civic heritage—an interest evidenced by the formation of the Kingston Historical Society as early as 1893. The citizens who comprised the Society recognized that the history of Kingston (and in some instances of the nation) was visibly manifested in the city's building stock: in the very year of its founding the Society noted that there had been regrettable losses in the building stock through demolition, and began a photographic catalogue of historic Kingston buildings.

The developments in Kingston were not, however, isolated. In 1882 the British parliament had passed legislation allowing the government to accept guardianship or title to ancient monuments. The power to prevent the alteration or demolition of

historic buildings at the hands of an uncooperative owner, however, would not come until amendments to the legislation were made in 1913. By this time many other European countries had historic preservation legislation in place as well.

In the North American context, in 1931, the City of Charleston, South Carolina passed a zoning ordinance requiring that visible exterior alterations to buildings erected prior to 1860 be in keeping with the general character of early Charleston architecture. New Orleans followed suit in 1937 with a similar ordinance affecting the Vieux Carré. In a 1953 challenge that the Vieux Carré ordinance constituted an unconstitutional taking of private property without compensation, the Louisiana Supreme Court ruled that, although it was doubtful that the law could be upheld if its only considerations were aesthetic, the retention of the Vieux Carré was of benefit to the citizens of New Orleans generally because of its commercial value, and the law was therefore a proper use of the zoning power. By 1957 eleven American cities had established an historic district ordinance. As well, two districts had been created by the State of Massachusetts, the Nantucket-Siasconset and Beacon Hill districts.

The validity of the Massachusetts statutes was affirmed in two advisory opinions of the Massachusetts Supreme Judicial Court, released simultaneously in 1955. The court was of the opinion that the statutes did not run afoul of the due process clause of the fourteenth amendment as an illegal taking without compensation. It ruled that the statutes rested upon "the general power to legislate for the public safety, health, morals and welfare," and were a valid means of protecting economically valuable historic sites and structures. The impact of these decisions was apparently significant: the ten years following their release saw an almost five-fold increase in the number of historic district ordinances in place in the United States.

III. Post-war developments in Ontario

The accelerated loss of historic buildings around this same period created enough concern among Kingston residents that by 1958 Kingston City Council had established a Preservation of Historical Buildings Committee. The mandate of the committee was to advise council on matters of historic preservation.

No doubt influenced by the judicial approval of historic district zoning in

Massachusetts three years earlier, the committee recommended using the zoning power of the Planning Act to control the demolition of historic buildings. Consequently, on September 24, 1962, the Kingston City Council gave first reading to "A by-law to regulate and control the alteration or demolition of buildings of historic or architectural value." The by-law drew heavily on the American precedents. Pursuant to s.30(9) of the Planning Act, however, it could not become law until it received approval by the Ontario Municipal Board. The city sought the approval under s.30(1)(4) of that Act, a provision of the general zoning power which allowed for the regulation of the external design and character of buildings and structures. The city's efforts were brought to a halt when it was informed by the Board that, in its opinion, no such authority existed under that or any other subsection of s.30.

Although Kingston did not follow up with a formal request to the provincial government for enabling legislation for its heritage protection by-law, the issue of heritage preservation in that city did not disappear. Indeed, with the excitement surrounding Canada's impending centennial celebrations in 1967, municipalities across Ontario became more aware of their own local history, and of its visible manifestation in the built environment. One can think of several ambitious architectural restorations undertaken as centennial projects: restorations such as Dundurn Castle in Hamilton, St. Lawrence Hall in Toronto, and Bellevue House and City Hall in Kingston.

Thus, it was in centennial year that the Ontario Heritage Foundation was established. The Foundation was empowered by provincial statute to acquire, or enter into agreements regarding property of historical and architectural interest "for the use, enjoyment and benefit of the people of Ontario." Any agreement it might enter into, however, had to be with a willing owner, as the Foundation had no power to expropriate, or prevent—or even delay—the alteration or demolition of heritage buildings.

The City of Toronto established a similar authority at the municipal level in the same year, backing it up with private provincial legislation five months later. An Act Respecting the City of Toronto allowed the municipality to designate as historic such buildings and the land on which they stand "as may be deemed by the Council of the

Corporation to be worthy of preservation for either architectural or historical reasons." After designation, the municipality could defer the issuance of any building or demolition permit for a period of up to sixty days from the time of application.

Amidst this heightened centennial-year interest in things historical, the Kingston City Council passed a by-law authorizing the commissioning of an independent firm of town planners to prepare an urban renewal scheme for its Sydenham Ward. Kingston was determined that revitalization of its downtown residential core should not come at the loss of its nineteenth-century housing stock. Indeed, one of the major determinants of the boundaries for the urban renewal area was the concentration of historical buildings as determined by the Kingston Historical Society. The report of the planners, which was delivered in June of 1970, reflected the city's preservation concerns, containing a recommendation that the city press for private legislation enabling it to pass heritage by-laws for both single buildings and whole districts.

In anticipation of the need for such legislation, and as a response to the demolition of one historic building and the application for a demolition permit for another, at its November 10, 1969 meeting, city council adopted a report from its planning board asking the provincial government to enact legislation permitting municipalities to undertake measures to protect buildings of architectural and historic merit.

In particular, the city sought the power to designate buildings for protection and preservation, make grants towards the cost of renovations where the owner undertook to maintain or restore the original character, purchase and lease, and designate "historical and architectural conservation areas for which provisions may be made by by-law to conserve the character of the area." It asked that the province be allowed to do the same in unorganized areas or for buildings of "particular provincial importance or where the problems exceed the resources of a particular municipality."

Two weeks later, council was informed that Syl Apps, M.P.P. for Kingston and the Islands, had received their resolution, promising to support it in any way he could. Apps attempted to secure the necessary powers for municipalities through a private member's bill, which he introduced into the legislature on March 4, 1970.

His bill proposed to amend the general zoning power of the Planning Act such that municipalities would be enabled to designate buildings as being of historical or architectural value or interest. Once a building was designated, a municipality could prohibit or regulate its alteration, acquire or lease it, and make grants to its owner, all with the aim of preserving its architectural and historic value. With the same aim in mind, municipalities would also be allowed to designate historic conservation areas, regulating the use made of the buildings contained within them.

On April 13, Apps moved for the bill's second reading. Although members of all parties expressed the need for such legislation, the sitting adjourned before the bill could be recommended for a third reading.

Less than three weeks later, on March 31, the member from Peterborough introduced another private member's bill, which also attempted to secure effective protection for historic buildings. His approach was significantly different from that of the Kingston model. First, the proposed preservation power was to be found not in the Planning Act, but in an amendment to the Archaeological and Historic Sites Protection Act. Under the scheme, protection would attach automatically to all "historic buildings" in the province, which the bill defined as buildings that had been in existence in whole or in substantial part for more than 100 years. Anyone wishing to demolish or "structurally alter" such a building would have to apply to the Minister for a permit, who, after consultation with the historical society in the area where the building stood, or with the municipal council (where no such society existed), could either deny the permit, or grant it conditionally or unconditionally.

Both bills died on the order paper before making it past second reading. Nonetheless, the Minister of Municipal Affairs said that he would recommend to his colleagues that they allow a bill to come forward on behalf of the City of Kingston, in advance of general legislation. Slightly more than three weeks later, on June 26, The City of Kingston Act, 1970 received royal assent. As the city's director of planning was later to reflect: "The Act as it emerged from the government's legal staff seemed to protect private property rights rather than community and social values." It denied the city two powers that the council had specifically requested: the city was not allowed to make loans to owners of designated build-

ings, only grants; as well, the Act made no mention of conservation areas, only single-building designation. In addition, no designation could take place without the prior approval of the Ontario Municipal Board.

Despite these shortcomings, after the legislation was passed, the city established a Committee of Architectural Review to make an inventory of heritage buildings which should be subject to demolition control. None of the buildings listed by the committee was ever formally designated under the City of Kingston Act, however: the Act clearly contemplated, and effectively dictated, an approach to heritage designation that was completely reactive. Although the Act allowed the municipality to designate "buildings or structures...of historic or architectural value or interest," where the designating by-law prohibited the demolition or alteration of a building, the city was put in the economically impossible position of having to purchase or expropriate, or otherwise offer compensation in respect of the designation within ninety days, regardless of whether that particular building was even threatened. If an agreement with the owner was not reached within the ninety-day period, the by-law had to be repealed.

Quite obviously, the only realistic option left to city council was to postpone designation until such time as they knew a building to be in danger of demolition or alteration. In most cases that knowledge would not come until a demolition or building permit had been requested. In addition to these obstacles, even in cases where the city might still decide to designate a particular building and enter into negotiations with the building's owner to prevent demolition or alteration, the Act provided a further disincentive to designation: if no agreement was reached within the ninety-day period, the city would be "liable to the owner of any affected land for any consequential damages."

Not surprisingly, the city never took the risk of designating a building before it was endangered. In 1973, when faced with an application for a permit to demolish an architecturally significant, 140-year-old building in the last complete limestone block in the downtown area, time constraints dictated that even though the city was willing to gamble and face any liability that failed negotiations might attract, it was too late to invoke the Act.

IV. Ontario Heritage Act

When the City of Kingston Act was

passed, the Minister of Municipal Affairs said that the government had been considering province-wide heritage legislation for three or four years, but had just recently undertaken a study of both the need within the province and the best course of action to take. After making rough estimates of the number of historically and architecturally significant buildings in the province, and examining preservation approaches in France, Britain, and the United States, the authors of the resulting study suggested model legislation for Ontario.

They proposed a two-tier system of listing: the lieutenant-governor-in-council would list buildings of provincial significance, and municipalities would have a residual power enabling them to list buildings of local significance. The demolition or alteration of provincially listed buildings would require the approval of the minister, whose decision would be final.

Municipalities, on the other hand, were empowered only to prevent the demolition of buildings that they had designated for 180 days, during which time they could reach an agreement with the building's owner to save it, having been given the ability to expropriate, lease, buy, or offer grants or loans. Refusal to allow alterations, however, would not necessitate compensation by the city. The criteria for designation were again taken from the American precedents, almost word for word.

Ministerial decisions would be final, although municipal designation would be subject to an appeal to the minister within 28 days. The minister would also have the prerogative to review even uncontested designations within the same time period. The report recommended that cities should be able to designate buildings that surrounded significant buildings, even though they were not themselves of particular interest.

In addition to single-building designation, municipalities would be allowed to create historic districts within which no new building could be erected and no old building demolished or altered "insofar as its external architectural appearance is concerned" without prior authorization of the municipal council. As with single-building designation, demolition could only be delayed for a maximum of 180 days. Historic district designation was to act as an additional zoning control on top of the existing, underlying zoning for an area. Consequently, the authors of the report

expected that an amendment to the Planning Act would be necessary to allow municipalities to designate historic districts.

Over three years would pass before the government would act on the report. In the meantime, both London and Ottawa requested and received private legislation for heritage preservation, in 1972 and 1973 respectively. The acts were identical to the City of Kingston Act, except insofar as London and Ottawa were empowered to give grants to property owners for the upkeep and repair of their designated buildings.

Unfortunately, the similarity with Kingston's legislation went even further: no doubt because of the fear of liability and the necessity to reach an agreement with property owners within 90 days of designation, not a single building was ever designated under either statute before the government got around to introducing its own province-wide legislation. A private member's bill backed by the City of Toronto in 1973 to obtain more effective powers under its 1967 private heritage legislation was defeated at the Private Bills Committee.

Finally, on December 12, 1974, Bill 176, the long-awaited province-wide legislation, was introduced. By this time, Manitoba, Quebec, Alberta and British Columbia had already passed similar legislation, starting in 1967. The centrepiece of Ontario's bill was its stipulation that no owner of a designated building could alter it or permit its alteration where such action would be likely to affect the reason for designation unless he or she applied to council in writing and received council's consent. When faced with such a request, a municipality had to consult its advisory committee, and was given ninety days within which to make a decision on whether to allow the alteration.

Although affected property owners could appeal council's decision to a provincial review board, as with designation, the decision of council was final. When demolition was requested, however, councils could only prohibit work for a period of 180 days following the initial 90-day period within which it had to allow or deny the request (giving a maximum stay of demolition of 270 days). Although councils could not prohibit demolition outright, they were empowered to expropriate threatened buildings, or otherwise enter into agreements with their owners to save them.

As well, councils could pass by-laws allowing for grants or loans to owners of designated property. As the 1962 Kingston by-law had attempted to do, the government's bill allowed councils to designate historic conservation districts. In contrast to by-laws designating single buildings, no by-law purporting to designate an entire district could come into force without the approval of the Ontario Municipal Board. The Act consolidated within it the Ontario Heritage Foundation Act and the Archaeological and Historic Sites Protection Act. Significantly, the Act also set out penalties for its violation.

The bill received second reading on December 16, 1974, having been introduced by the Minister of Colleges and Universities of the Progressive Conservative government. The Liberal member from Kitchener welcomed the bill, stating that it was long overdue. But he felt that those involved in historic work might well feel it did not go far enough, a shortcoming he hoped would be corrected in the future. The NDP member for Ottawa Centre echoed this sentiment, pointing out that the provincial power of designation which had been proposed in the 1971 report from the Department of Municipal Affairs was nowhere to be found. He felt that this omission was a serious weakness for two reasons: some municipalities, interested in the increased tax revenues that new development could bring, might refuse ever to designate historic structures; other municipalities, desperate to save structures of outstanding provincial interest, might welcome the ability of the minister to step in and absolutely refuse demolition, after the municipality had stayed demolition as long as the statute allowed. Envisaging the same situation, the Liberal member from St. George noted that in a city like Toronto, where real estate values were so high, it would be unrealistic to think that expropriation could ever be a useful tool with which municipalities could prevent demolition of a designated structure. Tacitly acknowledging these shortcomings, the minister replied that he did think that there would be amendments to the bill, perhaps in the year to come, after it was enacted.

The bill was referred to the committee of the whole on January 31, 1975. Heritage Canada, whose views on the legislation were read from a brief, felt that the primary power of designation should lie with the province, and municipalities could have a residual power of designation. It

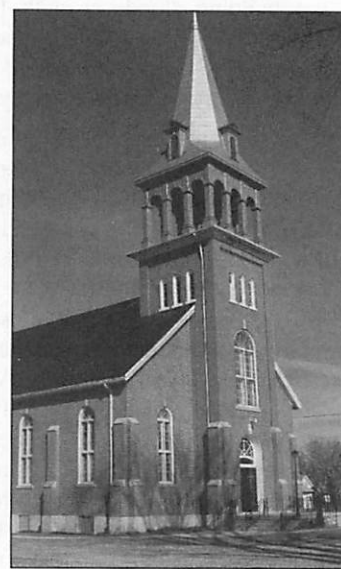
felt that few municipalities would have staff with "training, experience and taste" equal to the job of designation. And further, because of the bifurcation of power under Canada's constitution under which the provinces were left with the task of guarding the national heritage through designation, it queried whether the province was justified in shifting this onus to municipalities.

Heritage Canada raised as well the compelling point that allowing property owners to demolish after a period of 180 days, but forbidding them from altering their designated buildings indefinitely, might in fact drive frustrated owners to demolish in cases where they otherwise might not. It also feared that 180 days might not be enough time to initiate expropriation proceedings should they become necessary.

In this regard, the member from York Centre suggested that the bill be amended to get rid of the 180-day upward limit on stays of demolition and to allow indefinite demolition prevention. The legislation as proposed, he felt, was a paper tiger: "What this government and this ministry are prepared to do is to preserve the cultural heritage of Ontario for less than a year. That's the essential principle of this bill." A motion to amend the bill accordingly went to a vote and was lost.

The Ontario Heritage Act was given third reading and passed on February 3, 1975, receiving royal assent three days later.

Mark Osbaldeston is a lawyer with the Ontario Ministry of Finance. He lives in Toronto.



St. Joachim Church, 1891, Lakeshore, one of the sites on this year's ACO/CHO tour of Essex County.

A Tribute to Hamilton Historian, Thomas Melville Bailey

Ann Gillespie



Mel Bailey at the 25th anniversary of the Hamilton Public Library's Special Collections, October 25, 2004
Photo: Robin McKee

Long revered in historical circles as Hamilton's living legend, local historian and Presbyterian Minister Emeritus, T. Melville Bailey, passed away suddenly at his home on Saturday, January 29, at the age of 92. For 60 years, Mel (as he was familiarly called) researched, preserved, published and championed Hamilton's history and heritage, notably, as it related to two of the city's most important historical figures: Sir Allan MacNab and Sir Isaac Buchanan.

Regrettably, Mel died just short of receiving the highest honour awarded by the Ontario Heritage Foundation: a Lifetime Outstanding Achievement Award, for which he was nominated by the Hamilton Municipal Heritage Committee in 2004. The award will be presented posthumously on February 19, 2005. A "gentleman" of vision, passion and generosity, he soldiered on after the loss in 1999 of his second wife Janet, who shared his love for history. At the time of the large celebration of his 90th birthday, he was still actively involved in editing, historical society meetings, church affairs, and more. I was reminded by one of his closest friends and collaborators, Stewart Leslie, that Mel (still keen to expand his intellectual horizons) attended Anthony Tung's lecture, "Preserving the World's Great Cities," last May.

This brief article cannot do justice to the long list of publications for which he was author, editor or contributor; his church, society and committee work; and the numerous awards received in his long and distinguished life (all compiled by Stewart Leslie). Heritage highlights include: several publications on Sir Allan MacNab and Dundurn dating back to 1943; founding member of the Head-of-the-Lake Historical Society (1943); co-founder and first chairman of the MacNab Circle (1969); founding member and first president of the Hamilton Mountain Heritage

Society (1996); and, member of the city's Joint Plaquing Sub-committee (2000). Right up to the time of his death he was still involved in editing the Dictionary of Hamilton Biography, currently in progress at the fifth volume. Of particular interest to ACO members is his involvement over the years in the restoration of Dundurn Castle and the preservation of Auchmar, the estate of Sir Isaac Buchanan.

Back in the 1960s, Mel Bailey was keenly interested in the state of Dundurn Castle, and in 1964 chaired the Documentary Research Committee for the restoration of this 1835 Italianate villa, undertaken by the City of Hamilton as a Centennial project. Mel did not sit back after the work was completed and the castle re-opened in 1967. Instead he formed a group, called the MacNab Circle, to promote the historical significance of Dundurn Castle and Park (now Dundurn National Historic Site). Since 1969, the Circle has honoured the memory of Sir Allan MacNab every year with an annual dinner and lecture series on his birthday, February 19.



Group assembled on the grounds of Dundurn National Historic Site for the ACO Hamilton Region Branch walking tour led by Wendy Shearer, the landscape architect responsible for the landscape restoration plan.

Photo: Ann Gillespie

In 2000, Toronto-based historian Stephen Otto spoke to the group on the Castle's architect, Robert Wetherell, about who little was known. Mel subsequently encouraged and inspired Stephen to turn his presentation into a book, entitled, "Robert Wetherell and Dundurn: An Architect in Early Hamilton." Prefaced by Mel and published by the Heritage Hamilton Foundation in 2004, much credit for the creation of this small but informative, well-designed and well-illustrated booklet must also be given to ACO and MacNab Circle member Nina Chapple as well as former City of Hamilton Councillor William McCulloch. (*Robert Wetherell and Dundurn: An Architect in Early Hamilton*, by Stephen A. Otto, is reviewed in this issue of ACORN and is available at the Dundurn

Gift Shop, 905-546-2424 ext. 2525, and several Hamilton bookstores. Retail price is \$11.95.)

Mel Bailey's interest in the Auchmar estate stemmed in part from physical proximity—his home for the last 60 years, a house on Cloverhill Road, backs onto the property. This sequel to Dundurn, built for Isaac Buchanan, an entrepreneur and civic leader of Scottish descent, was also modeled after a British gentleman's country estate. The property includes an 1855 Gothic Revival villa, with a contemporary carriage house, and dovecote. When the estate, which had been owned by the Sisters of Social Service since 1845, came under threat of redevelopment for housing in 1998, Mel spearheaded citizen protests, formed the Southam Area Association, and made numerous presentations to Hamilton LACAC and the Planning and Development Committee, as well as giving a slide presentation to a large crowd in his own church.

Acquired by the City of Hamilton in 1999, Auchmar has been the most popular site on the Doors Open Hamilton Event, now heading into its third year. Despite his advanced age, Mel participated as a site interpreter in both 2003 and 2004, telling the fascinating story of this property to over 1000 visitors on each weekend. Auchmar will again be a Doors Open site for 2005, but Mel Bailey's presence and contribution will be greatly missed.

A final note of interest, the ACO Hamilton Region Branch President Rob Hamilton (always on the hunt for buried sources of information on Hamilton buildings and architects) drew my attention to a book edited by Mel Bailey and published in 1990: "Wee Kirks and Stately Steeples, a pictorial history of the Presbytery of Hamilton," which he claims is a rich resource on church building histories.

In closing, I would like to share Nina Chapple's reflections on the inspiring life of Mel Bailey: "I found him truly remarkable. I only got to know him well when he was in his eighties and nineties. Even then he was still the driving force behind the MacNab Circle, although he had retired as president. What was so amazing was Mel's clarity of mind, his life-long fascination with the history of people and places, and his unbeatable productivity. Nothing ever slowed him down, not even being 92!"

Ann Gillespie is the ACORN correspondent for the Hamilton Region Branch of the ACO.

Windsor-Essex County... Where The Heritage Highway Begins

Saving Our Institutional Buildings

ACO/CHO JOINT CONFERENCE April 29th, 30th & May 1st 2005

Generously Sponsored by:



Some of the first buildings erected as urban society developed in this country were institutional buildings – churches, cemeteries and schools. Our magnificent heritage churches and schools reflect the value placed on religion and education in society. In Windsor and Essex County, like most areas in Canada, many early institutional buildings have either been lost or are under threat. This conference will explore ways to save our threatened institutional architecture. It will look how the Quebec Religious Heritage Foundation was able to leverage and distribute 135 million dollars to restore heritage churches in that province over the past ten years. It will explore examples of heritage schools and churches that have been successfully adapted for new uses and technologies.

In order to get delegates out into the community to experience first-hand the issues being discussed, the conference will include Saturday afternoon bus tours at no extra charge.



Conference venues include some of Windsor's most treasured heritage buildings: the magnificent Hiram Walker's & Sons head office (1894), stately Mackenzie Hall – the former Essex County courthouse (1855) and beautiful Willistead Manor (1906).

The Saturday evening banquet will feature music and an address by Richard Moorhouse, the Executive Director of the Ontario Heritage

Foundation. Walking and bus tours of Windsor will be offered.



While in Windsor, be sure to attend the new full-day workshop on the Ontario Heritage Act being offered by Ontario Heritage Foundation and the Ministry of Culture staff prior to the conference. Learn about conservation tools, including municipal inventories, designation, alteration and demolition controls, Heritage Conservations Districts, heritage easement agreements and more!

For further information please visit: <http://windsorconference.info>

Windsor-Essex County... Where The Heritage Highway Begins

Saving our institutional buildings

To register, please complete the following form and return it by mail along with payment to the address listed below before April 15th, 2005

Mr. Mrs. Ms. Dr.

Name

Organization: CHO OAA CAPHC Other MHC/LACAC Voting Delegate

Address

Postal Code

City/Town

Phone ()

Fax ()

E-mail

Conference Event Registration

	Event	Cost per person before 04/15/05	Cost per person after 04/15/05	Number Attending	Cost
1	Pre-Conference Workshop put on by the Ministry of Culture & The Ontario Heritage Foundation - 04/29 10:00 am - 4:00 pm	\$25.00	\$25.00		
2	Opening Reception & Conference Kick-off - 04/29 6:30 pm - 10:00 pm	Included	Included		
3 a.	Conference Presentations & Annual Meetings - 04/30 & 05/01 - Includes Breakfasts & Saturday lunch	\$90.00	\$100.00		\$
3 b.	Saturday Afternoon Area Heritage Tours. Please select your tour in order of preference (1,2 & 3) space is limited for each tour, and will be assigned on a first come first served basis. See information package for detailed tour descriptions 1:30 pm - 4:30 pm	Included in Conference Registration Fee	Included in Conference Registration Fee		
T-1	Tour "1" - City of Windsor Heritage Planning Tour	Pref:	Included		
T-2	Tour "2" - Essex County Tour	Pref:	Included		
T-3	Tour "3" - Detroit Architecture Heritage Tour ** Please see tour description for important information regarding this tour** **Limited space of 22 people**	Pref:	Included		
4	Cocktail Hour, Banquet & Key Note Address Cash Bar 6:00 pm - 10:00 pm	\$30.00	\$40.00		\$
5 a.	Walking tour of Historic Walkerville 05/01 Noon - 1:00 pm	Free	Free		
5 b.	Heritage Highlights of Windsor Bus Tour 2:00 pm - 4:00 pm. (Please register early. 20 participants minimum required to have the bus tour)	\$12.00	\$12.00		\$
6	*Table at the Heritage Info. Marketplace	\$10.00	\$10.00		\$
	Totals				\$

Payment Options:

Credit Card: Visa: MasterCard: Card#

Exp: /

Cheque Enclosed: (Please make cheques payable to: Windsor Conference 2005)

Banquet attendees please indicate any dietary restrictions: Vegetarian: Allergy: Other:

Other please explain:

*Do you require a table for the heritage marketplace? Y / N - Cost per table \$10.00

Please remit form & payment to:

Windsor Conference Registration
240 Reedmere Road
Windsor, ON
N8S 2L4

Conference at a Glance -ACO/CHO Conference, Windsor - April 29 - May 1, 2005

Friday – April 29

10:00 am -4:00 pm -Workshop on the Ontario Heritage Act by staff of the Ministry of Culture & the Ontario Heritage Foundation – Mackenzie Hall, 3277 Sandwich St. (\$25 – includes lunch)

6:30-7:30 - Tour of the historic Hiram Walker Head Office – 2072 Riverside Drive East

7:30 – 10:00 - Reception/kick-off at the Hiram Walker Reception Centre – Welcome by Mayor Eddie Francis, ACO & CHO Presidents, Address by Robert Koffend (Religious Heritage Foundation of Quebec)

Saturday – April 30 – Mackenzie Hall – 3277 Sandwich Street

Market place open all day - Mackenzie Hall

8:00 -9:00 - Registration & light breakfast

8:15 -8:45 - Informal tours of Mackenzie Hall

8:15 & 8:30 - History of Windsor power point presentation

9:00 - 9:45 - Opening Address – Ministry of Culture – The Ontario Heritage Act

9:45 -10:00 - Break

Saving Our Institutions:

10:00- 11:00 - Saving Our Churches – Robert Koffend (Religious Heritage Foundation of Quebec), David Tremblay (SOS- Églises), David McAuley (architect)

11:00- 11:10 Break

11:10 – 12:00 - Saving Our Schools- Peter Valente (Windsor Developer), Jim Rodger (Principal, Kitchener Collegiate Institute), Ministry of Education Representative (tentative)

Noon – 12:45 Lunch at St. John's Church Hall

(Luncheon Talk – Saving Our Cemeteries - Ken Turner (Kingsville Heritage Committee / cemetery expert)

12:45 - 1:15 Talk/Tour our of restored St. John cemetery (Rev. Bill Bradley)

1:15 - Board buses for Heritage Tours

1:30-4:30 – Heritage Tours

- City of Windsor tour (Nancy Morand, Heritage Planner)
- Essex County tour (Pat Malicki, ACO President -Windsor Region Branch, et al)
- Detroit tour (Andrew Foot, Windsor Heritage Committee)

4:30 - 5:00 - Return to Mackenzie Hall

6:00 - Cash Bar & Music, Mackenzie Hall

7:00 - Dinner Banquet & Key Note Address (Richard Moorhouse, Executive Director, Ontario Heritage Foundation)

Sunday May 1 – Willistead Manor – 1899 Niagara Street

(Meetings in coach house, tours/breakfast in manor house)

8:30 - 9:00 - ACO President's meeting

9:00 -10:00 - ACO Annual General Meeting

10:00 - 11:00 - CHO Annual General Meeting

9:00 - 11:00 Continental breakfast / continuous tours in Willistead Manor

11:00 - 11:15 - Break

11:15 - noon - CHO Show & Tell, ACO Branch Reports, Conference Wrap-Up

Noon - 1:00 - Walking tours of Walkerville

1:00 - After Conference Lunch (optional) from menu – at the historic Victoria Tavern, 400 Chilver Road

2:00-4:00 – Bus tour of Windsor (\$12)

PARTIAL LIST OF WINDSOR ACCOMMODATIONS
**** Please mention ACO/CHO Conference for best rates ****

Ramada Plaza Hotel Downtown Windsor

430 Ouellette Ave.
Windsor ON N9A 1B2
519-256-4656 or 1-877-256-4656
SGL or DBL \$69.00

Travelodge Hotel Windsor Downtown

33 Riverside Dr. E.
Windsor, ON N9A 2S4
519-258-7774
SGL or DBL \$59.00

Hampton Inn & Suites

Part of the Hilton Family
1840 Huron Church Road
Windsor ON N9C 2L5
519-972-0770
From \$114.00

Ye Olde Walkerville B & B

1104 Monmouth Rd.
Windsor ON N8Y 3L8
519-254-1507
Rates: \$109.00 – \$259.00 for two people.

Amber Sunset B & B

1575 Riverside Dr. W.
Windsor ON N9B 1A4
519-250-0264
Rate: \$75.00 SGL includes taxes and breakfast
\$95.00 DBL includes taxes and breakfast

Branteaney's B & B

1649 Chappus St. near Huron Church Road
Windsor ON N9C 3T1
519-966-2334 or 1-866-966-1405
Rate: \$115.00 – \$265.00

Windsor's Inn On The River B & B

3857 Riverside Drive E.
Windsor ON N8Y 1B2
519-945-8255 or 1-866-567-1005
Rate: \$59.00 – \$149.00

For more information about local accommodations, visit our website: <http://windsorconference.info>

PreservationWorks!

by Sharon Vattay

Currently enjoying a huge popularity, the Antiques Roadshow provides an opportunity for owners of furniture, art and odd bric-a-brac to get an expert analysis of their attic and basement treasures. Millions of people viewing at home get to share in the excitement of the appraisal. What was once an "old" table that sat forgotten on the back porch instantly becomes a priceless treasure—"an antique"—all due to the determination by the expert in the field. By placing the piece in the context of the history of furniture design, the trained connoisseur can determine the table's relative importance and thus its net worth. While Aunt Mae used to always tell them that she was sure there was something special about this table, it was not until the acknowledgment of the expert at the Antiques Roadshow that the owners finally come to appreciate what they have.

Thus is sometimes the case with Ontario's built heritage. Local historical societies or individuals often find themselves at a loss to convince others of the importance of a piece of Ontario's history. Often they find themselves working against various other (often powerful) forces, whether it be an unsympathetic developer or a municipality. What the advocates need is an outside expert. Someone who can provide an objective analysis of the building in question. Someone who can see the building in its overall context of Ontario's cultural history, and define its importance to our history as a whole. Someone who can provide technical advice on the physical state of the building. Maybe, then, a strong case can be made for the preservation of the building.

This need for expert advice has been part of the mandate of the Architectural Conservancy of Ontario since its inception. While this "service" has changed over the years, the goal remains the same—to make available preliminary expert advice on a wide range of built heritage and conservation projects. Once known as the Advisory Board, the service is now referred to as PreservationWorks! (for obvious reasons).

PreservationWorks! maintains a roster of highly skilled restoration architects, engineers, archaeologists, landscape architects and historians, and matches requests with the appropriate professional. Requests for service can include advice on building conditions, structural soundness, architectural evaluation, approaches to repair, upgrading and restoration, and advice on reuse. The reports produced by the ACO have proven effective in a number of ways: demolition avoidance, forewarning of structural problems, righting architectural wrongs, and gaining public support.

This column, which will run as a regular feature in ACORN, will look at the history of this ACO function and recount a number of past projects. It is hoped that the case studies described here will illustrate the strategic approaches that may be used and provide ammunition for individuals and organizations currently facing similar situations. Remarkably, records show that the pleas for help that came into the ACO office from around the Province in the 1970s differ very little from the challenges heritage advocates are up against today.

St. Francis de Sales Church, Ajax

As most ACO members are aware, there are, at present, two major threats to historic church buildings in Ontario—the diminishing congregations which render a church building redundant; and, conversely, the growth of a congregation beyond the physical confines of the historic built form.

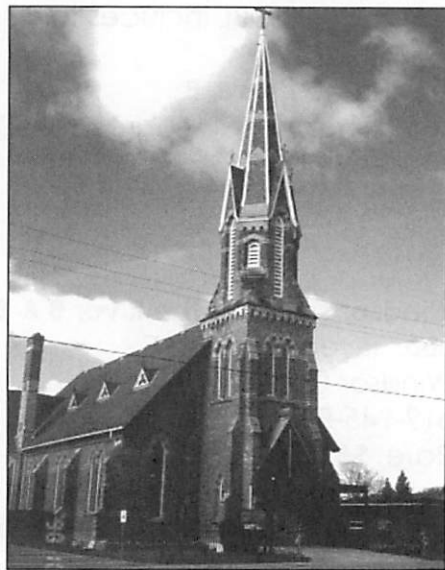
Thus was the case in the historic village of Pickering where the Roman Catholic congregation of St. Francis de Sales outgrew their historic nineteenth century church building. The future of the building seemed uncertain when, in 1998, the Archdiocese announced that their number one priority was to build a new church for the growing congregation in Ajax. In making their decision, the Archdiocese had retained an engineering firm to visually examine the building. While the engineers concluded that the church was repairable, they pegged the estimated cost at \$500,000. The engineers further stated that occupation of the church should be limited to about 300 people due to liability issues. The

Archdiocese felt that the cost was prohibitive and the continuing occupancy of the old church presented a risk that they simply could not take.

As the Offer of Purchase for property for the new church was being finalized in the closing months of 1998, the fate of the historic building seemed uncertain. Although the Archdiocese had not discussed demolition, the local Municipal Heritage Committee and a number of members of the congregation were concerned about the future of the building, which had served the community for almost 130 years. At this point, the community turned to the ACO.

In September 1998, members of the Town of Ajax Municipal Heritage Committee (then LACAC) contacted the ACO requesting an evaluation of St. Francis de Sales church, hoping that an appraisal of the architectural merit, its physical condition and recommendations for its conservation would provide them with some of the ammunition they needed to save the building.

Located at 82 Church Street South, the Gothic Revival St. Francis de Sales (1869-1871) stands as a dominant landmark in Pickering Village—indeed, it gives meaning to the name of the street where it is situated. An attractive High Victorian building, the church remains an important symbol of an earlier Irish Catholic community in the former township. At the time of building in 1870, there were about 1000 Catholics in the township, many of whom



St. Francis de Sales Church, Ajax
Photo: PreservationWorks!

contributed their labour and time to the construction of the church. The congregation still numbers among its members descendants of the original founding families of Pickering.

The church is best known for its distinctive and elaborate octagonal spire. Covered with slate (as the entire church roof once was), the spire is topped by a large metal cross. The steeply pitched roof of the nave is pierced by three small dormer windows defined by trefoil openings. Each peak is decorated with filigree ironwork. Stained glass windows (donated by many of Pickering's founding families) and polychromatic brickwork add to the picturesque quality of the building.

As important as St. Francis de Sales is on a local, contextual level, the church also stands as a building of provincial significance. The church has a remarkable pedigree, having been designed by the prominent nineteenth century architect Henry Langley. Langley is best known for his church architecture—he designed over 70 churches in Ontario. Langley's drawings for this church still exist in the Archives of the Archdiocese of Toronto and at the Archives of Ontario.

As is standard for PreservationWorks! requests, the experts visited the site and then prepared a brief report assessing and analyzing the building in question. In this case, the then chair of the advisory board, Phillip Carter, along with Catherine Nasmith, architect, inspected the church building. This was supplemented by background historical research by Catherine Nasmith, who was quick to find the connection to Henry Langley.

The resulting ACO PreservationWorks! report provided a brief history, and, more importantly, advice and options for the concerned citizens of Pickering. The experts found that the physical condition of the building, while in need of attention, was not immediately dangerous, as had been suggested in the engineering report commissioned by the Archdiocese. The report provided suggestions regarding restoration, noting that these could be undertaken in phases, and at varying degrees of cost. And, it reminded the reader that the Ontario Building Code standards apply to new construction and that the Code recognizes alternative approaches for historic buildings. The report concluded with some options for the building's reuse,

such as a funeral or wedding chapel.

A few months after the request came into the ACO, Phillip Carter wrote to the mayor of Ajax expressing the ACO's concern about the building, which was "of significance, not only as part of the heritage of Ajax, but to the Province as a whole." Certainly, a building by Henry Langley is important for the understanding of architectural history in Ontario. Carter went on to request that the town consider all avenues that would lead to the restoration, and if need be, reuse, of the building.

Since the town does not have heritage staff, reports to council on designations have to be written by Municipal Heritage Committee members. And, it was thanks to the PreservationWorks! report that the members were able to make the case for designation. Indeed the current chair of the heritage committee, Bob Martindale, says that the community has benefited more than once from the ACO PreservationWorks! service.

Remarkably, by May 1999, the town had designated St. Francis de Sales Church under Part IV of the Ontario Heritage Act. A representative of the heritage committee wrote: "Both Catherine (Nasmith) and Phil Carter were extremely helpful to me, in giving advice and recommendations in our effort to have St. Francis de Sales designated under the Ontario Heritage Act. Our efforts have been successful." Today the designated church building is used for occasional masses, weddings and funerals (plans for the new church building are still ongoing).

Just like the finds on the Antiques Roadshow, St. Francis de Sales in Ajax, which was once just considered "old," was revealed to be "historic" and therefore worthy of preservation. Yet unlike the antique, it is not only the individual owner who benefits from the identification of the irreplaceable resource, but rather the entire community and the province as a whole. The ACO, through the PreservationWorks! Program, continues to be there to advise and educate, and successes, like that at St. Francis de Sales, can be found throughout the province.

Author's note: If you have used the Advisory Board/PreservationWorks! service and think that the outcome of your story should be shared with other ACO members, please contact Sharon Vattay at svattay@chass.utoronto.ca.



D.H. McCay House, 1884, Kingsville, one of the sites on this year's ACO/CHO conference tour of Essex County.

Photo: Ken Turner



Duff-Baby House, 1798, Windsor, one of the sites on this year's ACO/CHO conference tour of Windsor.

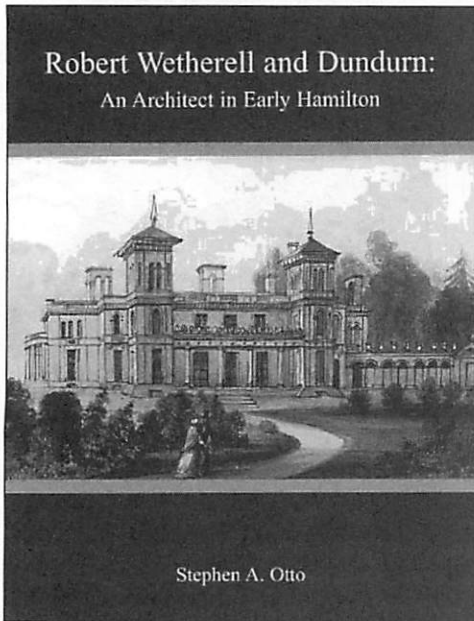
Photo: Rollo Myers

Book Review

Robert Wetherell and Dundurn: An Architect in Early Hamilton.

By Stephen A. Otto

Published by The Heritage Hamilton
Foundation, 2004



*Reviewed by
Nancy Tausky*

Stephen Otto begins this beautifully produced monograph on Dundurn Castle's little-known architect with the unpromising warning that "Robert Wetherell and the fledgling town of Hamilton...share the same misfortune: relatively little is known about either of them." And, he goes on to explain, little documentary evidence exists that can throw light on their histories.

Otto nevertheless manages to piece together from his assiduous research a fascinating portrait of Wetherell's probable accomplishments and to stage these against the backdrop of an early Hamilton enlivened by numerous interesting

details. We learn, for example, that a boat such as that Wetherell sailed to Hamilton could take a day to move from York to Oakville, and that Hamilton's black community produced loyal fighters for the establishment during the 1837 rebellion. We also gain an understanding of the general cultural milieu in Hamilton during the 1830s and 1840s and of the economic ebbs and flows affecting the building industry during this period.

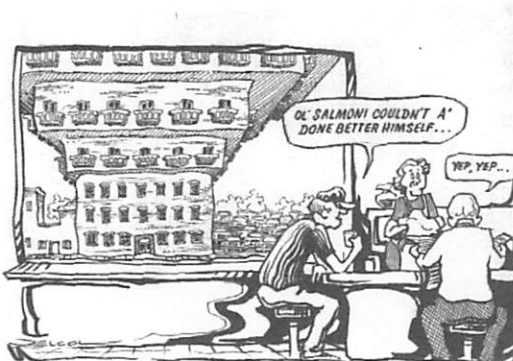
Wetherell emerges from Otto's study as an intriguing figure, appealing both because of the sophistication of his architectural designs and because of his apparent idealism and dedication to his calling. Baptized near York, England, in 1805, he studied architecture

in London during the 1820s; there he amassed an impressive library of architectural books and engravings, which he prized enough to transport to Hamilton when he emigrated in 1833. He is known to have designed Dundurn Castle and Christ Church in the mid-1830s and he was probably the architect of the Jameson home (1836), Colin Ferrie's mansion "West Lawn" (1836), James Whyte's "Barton Lodge" (1836), and the Gore Bank (1844). His high concept of his calling is indicated by a "remarkable" advertisement he placed in Hamilton newspapers during 1840, in which he insists that a town's buildings are the best guides to an area's "political and social state" and the most powerful catalysts of its cultural life.

In the final analysis, though, Wetherell remains a somewhat elusive figure: the portrait Otto draws is a pastiche based partly on hard-won facts discovered through his diligent research and partly on his intelligent and informed speculations. A poignant anecdote about the architect's burial in 1845 seems to assume symbolic importance given Wetherell's subsequent obscurity: "the person keeping the burial record recorded his name as 'Charles,' but corrected it later by inserting 'Robert' ahead of 'Charles,' thereby giving the architect a middle name he never had while alive."

The somewhat fragmented figure Otto has resurrected from obscurity may also differ to some extent from the Robert Wetherell who lived in Hamilton during the nearly forgotten days of its infancy, but he is still someone we welcome back to life.

Nancy Tausky is an architectural historian in London, Ontario.



These cartoons are provided courtesy of Elio DelCol, a Windsor artist, and were inspired by the recent destruction of Amherstburg's Salmoni Building to make way for a condo development.

Doors Open Hamilton - May 7/8

The annual Doors Open Hamilton, organized by the Hamilton Wentworth Heritage Association (HWHHA), would not be possible without strong community partnerships between the Hamilton Region Branch of the ACO, Tourism Hamilton, the Hamilton and Burlington Society of Architects, and the Culture Department of the City of Hamilton. Over 30 sites are registered for the 2005 event which takes place Saturday, May 7 and Sunday, May 8. Most sites will be open from 10 am to 4 pm.

New and exciting sites this year include St. Nicholas Serbian Orthodox Church, the restored Bank of Montreal Building (soon to be home to Gowlings law firm), and Century Manor at the Hamilton Psychiatric Hospital. The Hamilton Civic Museums will open their doors at no charge from noon to 4 pm both days.

Doors Open Hamilton attracted over 12, 200 visitors in 2004. The most popular site, the past two years, has been Auchmar, the only surviving gentleman's estate on the Hamilton Mountain. This extraordinary manor house and lands are currently owned by the City of Hamilton and are inaccessible to the public. For the past two years Auchmar has been used as a film set for a television series *Strange Days* at Blake Holsey High.

The Hamilton and Burlington Society of Architects will celebrate Architecture Week to coincide with the Doors Open weekend. As a result there will be some behind the scenes tours and lectures the week of May 1 to 6. The kick off for Doors Open 2005 takes place Thursday, April 28 at Hamilton City Hall. For full details and information please visit www.architecturehamilton.com or www.doorsopenontario.on.ca. Printed guides will be available mid-April by calling 1-800-546-2666.

Heritage Canada Foundation Awards - nominations now open!

Are you involved in the conservation of your community's heritage buildings?

If you answered YES, then you know someone whose work and dedication in preserving and promoting Canada's rich architectural heritage is deserving of a Heritage Canada Foundation Award.

We are now accepting nominations for our 2005 Awards and Prizes program and we are looking for YOUR input!

Submit a nomination today for one of the six awards and prizes!

The Prince of Wales Prize

Under the generous patronage of His Royal Highness The Prince of Wales, this prize is awarded to a municipal government, large or small, rural or urban, which has shown an exemplary commitment to heritage conservation.

The Gabrielle Léger Award

Named after the wife of former Canadian Governor General, Jules Léger, this award recognizes individuals who have contributed nationally to heritage conservation.

Lieutenant Governor's Award

This award recognizes outstanding achievement by an individual or group in the province in which the Heritage Canada Foundation's Annual Conference is held. This upcoming year, the conference will be held in Regina, Saskatchewan.

Journalism Award

Awarded to a journalist whose coverage of heritage issues is judged to be outstanding.

Corporate Prize

Recognizes a business, large or small, which has demonstrated outstanding stewardship of its built heritage.

Achievement Award

Given jointly by Heritage Canada and a partner organization, this award honours individuals for excellence in their province or territory.

All nominations must be received by Heritage Canada on or before **March 31, 2005**, so please don't delay.

For information on nomination procedures, contact the Heritage Canada Foundation at:

5 Blackburn Avenue, Ottawa, Ontario K1N 8A2.
Tel.: 613-237-1066 Fax 613-237-5987
E-mail: heritagecanada@heritagecanada.org



****ACORN 2005 Deadlines****

Summer Issue (no branch reports) - June 1
Fall Issue (includes branch reports) - October 1
Contributors - please mark your calendars now!



Quinte

David Bentley

Stirling train station is on the move

This was a headline in one of our local newspapers on November 5, 2005, so I took the opportunity the following Sunday to check on the station's progress. I was delighted to find that the station was in position over its new foundation. While looking at the station, I heard a noise and discovered an electrician working on a panel in the basement. He was a member of the local Rotary Club doing the wiring as his donation to the project. It was the Rotary Club that successfully organized the station's move, and the club will be using the station's new basement for their meetings. The basement will also have a generator so that it can be used as the community's emergency shelter. In these days of unpredictable weather, someone in Stirling is on the ball.

The station, which weighs approximately 90 tons, was moved without any difficulty I was told. There are plans for the station to be designated as an historical building and the local historical society will be developing the station as a museum. The Rotary Club, under the guidance of Rotarian Kevin Tribble, a landscape architect, have plans to create a park around the station to enhance the project.

Victoria schoolhouse

We are very pleased to announce that the Quinte Educational Museum has successfully raised the \$50,000 needed to move the one-room "Victoria Schoolhouse" to its new location at the Ameliasburg Historical Museum grounds. The school, built in 1904 as a replacement for a brick school on the same site, was donated by its owners, 84-year-old Nellie Montgomery and her family, for use as the permanent home of the Quinte Educational Museum. Mrs. Montgomery taught at the school from 1939 to 1943, but left to start a family with her husband, Harmon.

The school will require some repairs before it can be moved; the move is scheduled to take place this spring. A local professional engineer living in Prince Edward County has offered to act as the project manager. Once the school is on its new foundation, the Educational Museum wants to raise an additional \$25,000 to

complete the refurbishing of the building. Our branch members had the opportunity to visit the schoolhouse on a rainy afternoon last spring; we took shelter inside amongst the hay bales to dry off and to hear about the school's history. It will be exciting to see this wonderful old schoolhouse restored and put to good use.

Historic barn relocated

Another interesting event happening in the county is the arrival of a 170-year-old Nova Scotia barn, which will be rebuilt as a home in the Waupoos area. The barn will become the home of retired investment banker Richard Lowry, of London, England, and his wife, who is an associate of Christie's Auction House. Mr. Lowry had originally arranged for an architect to design a new home for him, but after visiting with friends in the United States, who lived in a converted barn, he decided to have a similar residence. The company that located the barn are purists and have promised to maintain the authenticity of it. The barn will offer 2000 square feet of space on the main floor, and the loft will be used for bedrooms. The basement will become a garage and workshop.

While I know there are readers who will disagree with removing the barn from its original location, the upside is that the barn will be put to good use as a residence. Prince Edward County has lost far too many of its lovely old barns over the last several years and unfortunately our heritage laws offer little protection for agricultural buildings. This relocated barn may hopefully prevent further demolition of these locally important landmarks.

Doors Open Belleville

A committee of about 10 people has been meeting since last September to plan Belleville's first Doors Open for September 2005. After sending out registration forms to owners of local historical sites, the site selection sub-committee has selected and submitted to Doors Open Ontario 12 sites for inclusion in their booklet. Another six sites will also be open for tours, and the day promises to be exciting for all those who take part. There are still lots of creases to iron out, but the Doors Open Belleville committee are up to the task. More information on Doors Open Belleville will appear in the next issue of ACORN.

2005 Tours

Our Annual General meeting in January went well, and members had the oppor-

tunity to hear Nic Lambooy, a retired architect and teacher, talk about architectural styles in Canada. In February the members saw an interesting slide presentation of heritage buildings; the slides were donated by one of our branch members, Mrs. Julia Sager. In March the Branch is honoured to have Scott Valens, President of the ACO, as our guest speaker. The meeting will take place in the Belleville Scout-Guide Museum, which has recently re-opened in its new location on the campus of Sir James Whitney School for the Deaf. This will be our last indoor meeting for the year.

Outside tours will include Ameliasburg, Greenpoint, the Distillery area in Toronto, Cobourg, Cressy, Trenton, and the wineries of Prince Edward County. If you would like to attend a walking/driving tour, you can get information on tours by contacting David at 613-968-7605.

North Waterloo

Joyce Arndt and Marg Rowell

Christmas at Woodside

The Christmas get together of the Branch took place in late November at historic Woodside, 528 Wellington Street North, in Kitchener. Woodside was the home of the King family, where William Lyon Mackenzie King, Canada's 10th Prime Minister, spent his adolescent years from 1886 to 1893.

About 25 members and guests assembled in the recently renovated area downstairs for a video about Christmas at Woodside, which showed typical celebrations of the King family in the holiday season. Education Co-ordinator Carolyn Blackstock then pointed out architectural features of the house dating from 1853 and restoration projects carried out since 1950, a time when the house, in a state of neglect and disrepair, faced demolition. During the forties, influential citizens in the community had been advocating the preservation of the house and site, guided by Mackenzie King's own memories of the house and property. In 1952, Woodside was designated a national historic site; in 2004, a plaque was erected to recognize the significance of the site to all Canadians. For visitors today, Woodside represents the period when the Kings resided there.



Woodside, Kitchener
Photo: Goran Lekic



Dining room, Woodside, Kitchener
Photo: Goran Lekic

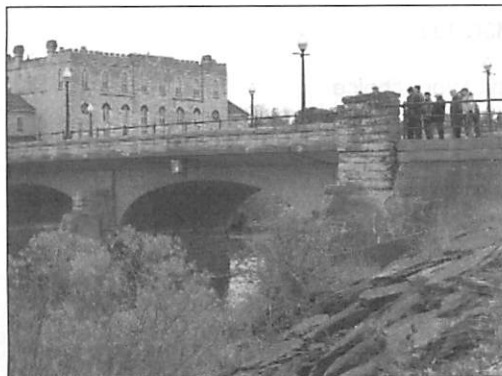
A show-and-tell about men's and ladies' costumes of the Victorian period ended the program. Hospitality from the kitchen included seasonal treats—shortbread cookies, gingerbread squares and hot, mulled cider. Our visit to Woodside concluded with a tour of the festively decorated, two-storey house, which revealed much about the daily life of the King family and Victorian Berlin.

We are celebrating 25 years!

It's hard to believe that the North Waterloo Branch of the ACO is 25 years old this year. Present and former members will be celebrating this special anniversary to be held one evening in late May or early June. Plans include a venue of architectural interest, guest speakers, display of photos and memorabilia, and of course, birthday cake. President Marg Rowell is seeking former members who have moved away. She needs your address to ensure that you will be part of this memorable event. Call (519) 743-0833 or email jrowell@online.net.

Tour of St. Marys

Our Branch was fortunate enough to be able to take a tour of beautiful St. Marys



North Waterloo tour group members admire the view from the Victoria Bridge in St. Marys
Photo: Goran Lekic

in late October. The weather was cold and windy but 19 people braved the weather and were met by Paul R. King, the President of Community Heritage Ontario, who lives in St. Marys. We met at the stone Town Hall on Queen Street. We then did a walking tour to Paul's house, a lovely, large two-storey yellow brick house built in the 1870s. It features a special stained glass window dedicated to a famous singer. The rooms are large and elegantly appointed.

Our tour took us on to other parts of the town and along the walking trail that goes over the former high level railway bridge over the Thames River. From there the view is quite spectacular. We walked on by more streets and interesting houses and crossed another bridge over the river. We then headed for the other side of town and up the hill to the museum.

The museum is located in a handsome 1854 stone house on fairly extensive grounds. A wagon shed and woodworking shop are also on the property. We were met by the curator, Mary Smith, who gave us an introduction to the museum and then let us wander around to view the displays. Cookies and hot cider were a welcome part of the tour. The hot cider took off some of the chill. The museum, not normally open on a Sunday, was opened up especially for us. One of our members, Goran Lekic, took a video of the tour, put it on disc and set it to lovely classical music, and presented the Branch Executive with a copy. We very much enjoyed our tour and were very grateful to both Paul and Mary for organizing an enjoyable afternoon.

Heritage Showcase

On Saturday February 12 we participated in the annual Heritage

Showcase. This event is sponsored by the Waterloo Regional Heritage Foundation and was held at Fairview Mall in Kitchener. Our display focused on barns and consisted of some barn building tools (such as a froe, maul and boring machine), a slide show of barns, and a toy wooden barn built for the son of Bob and Marg Rowell. Drawings of the various barn styles, such as the English, Pennsylvania and Dutch barn, rounded out the showcase. We look forward to this event every year when about 40 area groups come together to showcase their special interest in heritage.

South Bruce-Grey

Mary Ramsay

Kincardine Dance Pavilion

Great news! The federal government has kicked in \$204,595 to help restore the Kincardine Dance Pavilion. The Friends of the Pavilion and the South Grey Bruce Branch announced the grant at the pavilion on February 20.

Friends of the Pavilion co-chair Martin Quinn said the Human Resources and Skills Development Canada grant will be used for engineering work, materials and a construction crew of six including a project manager. An offsite administration and marketing position will also be created. The positions are to be advertised locally.

Reconstruction is planned in three stages and is expected to be completed in one year. Plans include preservation of the original dance floor and repairing the central structure, moving it onto a new foundation and construction of new administrative space, washrooms and annexes.

The Friends of the Pavilion collected over 4,000 signatures on a petition to save the building from demolition. Quinn sees the HRSDC funding as a big battle won.

It "goes a long way to making this whole project a reality."

From the Owen Sound Sun Times

The Architectural Conservancy of Ontario

Application for New Membership or Membership Renewal

A Note about the Organization and Your Membership

As the ACO is structured, Provincial Council and the eleven Branches offer programs at the provincial or regional level, respectively. Provincial Council supports architectural conservation, provides technical advice through "PreservationWorks!", organizes workshops, publishes ACORN, assembles the annual conference program and provides a head office function. Branch programs vary from Branch to Branch. All Branches support architectural conservation. You may choose to be either an Ontario (Provincial) member or a Branch member.

All memberships are tax-creditable. All members receive ACORN and a discount on registration fees at the annual conference.

STEP 1

Please complete the form below:

Mr/Ms/Miss/Mrs/Dr/No Title First Name _____ Last Name _____

Organization's Name(if applicable) _____

Address _____ Postal Code _____

Daytime Phone _____ Evening Phone _____ Fax _____

E-mail _____

STEP 2

Please circle your choice of options A or B

- A. I would like to be a member of the _____ Branch of the Architectural Conservancy of Ontario. A portion of my annual dues will support province-wide programs.
- B. I would like to be an Ontario member of the Architectural Conservancy of Ontario and not be affiliated with any Branch. All my annual dues will support province-wide programs.

Categories of Membership and Annual Dues -- check one

_____ Individual - \$30.00	_____ Household - \$35.00
_____ Non-Profit Organization - \$40.00	_____ Sustaining - \$50.00
_____ Corporate - \$45.00	_____ Full-time Student - \$20.00

In addition to my membership, I would like to make a tax-creditable donation in the amount of \$ _____.

STEP 3

Please return this form to -- The Architectural Conservancy of Ontario
Suite 204, 10 Adelaide St. E., Toronto, ON M5C 1J3

If you chose Option A, please enclose a cheque made payable to the Branch of your choice
If you chose Option B, please enclose a cheque made payable to "The Architectural Conservancy of Ontario"

Quinte Region
Cobourg

Port Hope
Toronto Region

ACO BRANCHES
Hamilton Region
Heritage Cambridge (including Brant County)
Heritage Meaford

North Waterloo
South Bruce-Grey

London Region
Windsor Region

Date Cheque Received _____

Date Tax Receipt Issued _____ Membership Number _____

Conservation Review Board Marks 30th Year



This year Ontario's Conservation Review Board is observing the 30th anniversary of its creation in 1975. Current members of the Board and Ministry of Culture staff posed for a photograph at a recent meeting in Toronto.

From left to right, Peggy Kurtin, Rita Caldarone (staff), Dan Schneider (staff), Tom McIlwraith (vice-chair), Terry Moynihan, Jill Taylor (chair), Peter Zakarow and Karen Haslam. Missing from photo is Richard McDonald.

The Architectural Conservancy of Ontario
Suite 204, 10 Adelaide Street East
Toronto, Ontario M5C 1J3



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